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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/444,723 11/24/99 WOODING

J 100-42

EXAMINER

WM01/0328

NIXON & VANDERHYE P C
RICHARD G BESH
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON VA 22201

TAYLOR, B

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

03/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/444,723

Applicant(s)

WOODING, JEFFREY

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: ____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in European Patent Office (EPO) on 5/22/1998. It is noted, however, that applicant has not filed a certified copy of the (EPO 98304101.3) application as required by 35 U.S.C. 119(b).

Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in EUROPE on 5/22/98. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath or declaration does not acknowledge the filing of any foreign application. A new oath or declaration is required in the body of which the present application should be identified by application number and filing date.

Specification

The disclosure is objected to because of the following informalities:

Applicants disclosure uses the same number to describe different elements. For example, on page 6 the applicants use label 4 to describe both sender unit and communication line. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Contonzo et al (5,307,398 hereinafter Contonzo).

Regarding claim 1. Contonzo teaches an apparatus for remotely measuring characteristics of a communication line (entire disclosure) comprising:

receiving means (#22 figure 3) for connecting to a remote end of the communications line;

sender means (#18 figure 3) for connecting to the other end of the communications line;

the receiver means (#22 fig. 3) generating a signal in response to a selection of one of a plurality of characteristics of the line to be measured (Title, abstract, col. 1 lines 5-10, col. 1 line 40 – col. 2 line 4, col. 3 lines 15-18);

the sender means having detection means (#46 fig. 3) for detecting the signal, and switching means (#48 fig. 3);

such that on detection of the signal, and on the basis of the unique representation of the signal, the switching means is controlled to connect predetermined circuitry (#32, #34, #36 fig. 3) across the line at the other end and at the remote end to enable a selected characteristic of the line to be measured (abstract, col. 1 line 40 – col. 2 line 4, col. 3 lines 1-35, col. 4 lines 8-14).

Regarding claim 2. Contonzo teaches the signal is generated by signal generation means (#44 fig. 3) and is assigned a unique code such that the unique code is representative of a characteristic of the line to be measured (abstract, col. 1 line 40 – col. 2 line 4, col. 3 line 1-35).

Regarding claim 3. Contonzo teaches the apparatus wherein the signal assigned a unique code is represented by a sequence of pulses (col. 3 lines 15-18).

Regarding claim 4. Contonzo teaches the apparatus wherein on detection by the detection means of the signal, the signal is converted into a digital code (col. 3 lines 19-23).

Regarding claim 5. Contonzo teaches the apparatus further comprising processor means (#48 fig. 3) for receiving and processing the digital code representation of the signal (Title, abstract, column 3).

Regarding claim 6. Contonzo teaches the apparatus wherein the switching means is controlled by the processor means to connect the predetermined circuitry on the basis of the particular code received and processed by the processor means (col. 3 lines 1-15).

Regarding claim 7. Contonzo teaches the apparatus including selection means for selecting the characteristic to be measured at random (see col. 3 line 13-15, wherein Contonzo clearly allows the user to randomly select via pushbuttons) wherein upon selection of the characteristic the predetermined circuitry for enabling the measurement of the selected characteristic is directly connected to the line by the switching means (Title, abstract, column 3).

Regarding claim 8. Contonzo teaches the apparatus wherein the random selection of one of a plurality of characteristics is made by depressing one or more respective buttons on the receiver means (column 3).

Regarding claim 9. Contonzo teaches the apparatus wherein the signal is a low frequency signal (col. 3 lines 1-4).

Method claims 10-18 are rejected for the same reasons as apparatus claims 1-8 since the recited elements would perform the claimed steps.

Apparatus claim 24 is rejected for the same reasons as claims 1 and 7 listed above since claim 24 is a combination of claim 1 and 7.

Regarding claim 25. See rejection for claim 2 listed above.

Regarding claim 26. Contonzo teaches the apparatus wherein the code is transmitted as a sequence of timed pulses from the signal generating means to the detection means (col. 3 lines 1-18).

Regarding claim 27. See rejection for claims 5 and 6 listed above.

Regarding claim 28. See rejection for claim 8 listed above.

Method claims 19-23 are rejected for the same reasons as apparatus claims 24-28 since the recited elements would perform the claimed steps.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

---(4,862,491) La Salle et al is considered to be pertinent for an apparatus that remotely measures the characteristics of a communications line wherein the receiver means transmits bursts of signals along the line and the said sender means detects, decodes, and switches from a first mode to a second mode to a third mode providing for fault location.

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2643.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:


(703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700


DUC NGUYEN
PRIMARY EXAMINER